

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 625

Call to Order: By **CHAIRMAN BILL GLASER**, on April 18, 2001 at 8:30 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Rep. Joe McKenney, Chairman (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Rep. John Musgrove (D)
Rep. Alan Olson (R)

Members Excused: None.

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Connie Erickson, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 625, 4/17/2001
Executive Action:

HEARING ON HB 625

Questions from Committee Members and Responses:

REP. JOHN MUSGROVE stated his concerns with the modifications to HB 625. He proposed amendments that would return it to its original form, **EXHIBIT (ccs87sb0625a01)**. He explained that the amendments would place the emphasis back on the legislature instead of the executive branch. The \$20,000 funding would remain in the bill. The Legislative Services Division would be the primary drafters of the study.

CHAIRMAN BILL GLASER questioned how to involve the governor, the Legislative Services Division and the Office of Public Instruction. **REP. MUSGROVE** cited his belief that funding should remain the primary issue in the study. He argued that adequate school funding would address many of the other perceived problems attached to the study.

CHAIRMAN GLASER reminded the committee that a resolution had passed the House and Senate that would deal with boundary transfers.

SEN. JON ELLINGSON agreed that funding should remain the main priority in the study. He voiced his concerns with the intentions of the governor's office and the Office of Public Instruction. He felt the effort should be a coordinated effort on the part of all three entities involved in the study.

CHAIRMAN GLASER related the governor would use her office's leadership to solve the problems related to education.

SEN. ELLINGSON wondered if the governor's study would depend on funding in HB 625. **CHAIRMAN GLASER** contended the money allotted in HB 625 would be retained in the legislative study.

SEN. ELLINGSON reasoned the studies should not be duplicated.

REP. MUSGROVE agreed, reminding the committee that a model had not been created to allow the governor's office and the Office of Public Instruction to submit their findings to the legislature. He felt the legislature in cooperation with the Legislative Services Division would have the capabilities to accomplish the task.

SEN. JOHN COBB wondered if the Education Interim Committee should handle the study. **REP. JOE MCKENNEY** defended the bill in its present state, maintaining the bill should concentrate on the funding issue.

SEN. COBB asked a question regarding the staffing of the project.

REP. MCKENNEY assumed the study would be staffed by the governor's office and the Office of Public Instruction.

Connie Erickson explained the bill would allow the governor to appoint an advisory council, request assistance and coordinate with other interim committees. The bill would not require the legislative staff to participate in the study.

REP. ALAN OLSON purported the governor's office should be involved in the study.

SEN. COBB questioned why the bill, as amended, failed in the house. **REP. MCKENNEY** narrated the bill came back to the House containing two original words. **REP. MUSGROVE** had recommended a do not concur vote to allow time to further study the bill.

REP. OLSON echoed previous statements that the focus of the bill should remain on funding of schools.

REP. MUSGROVE voiced his dislike of the "whereas" clauses in the bill. He also maintained the best and brightest people involved in education funding were part of the legislative branch of the government. Using the executive area would exclude many of these people from the process. **Jim Standaert, Legislative Fiscal Division**, informed the committee that his office could work 16 hours on legislative requests. **SEN. COBB** clarified that the legislative staff wouldn't be involved until the report had been received by the legislature.

SEN. ELLINGSON assumed the committee would agree that the study should focus on funding and the study should be coordinated between OPI and the governor's office. He contended a problem would arise because of the April 1, 2001 reporting date. He suggested the date be changed to December 31, 2001, allowing the legislature more time to participate in the study.

REP. MUSGROVE orated concerns with hearings regarding the governor's report, wondering if communities would be excluded from the process. He felt the study could be transmitted to the people through other means. **SEN. COBB** questioned whether the legislature would need to be involved in the hearings on the preliminary reports. **REP. OLSON** advised that the legislature be involved in the study from the beginning. He argued the study could coordinate with the governor, legislature, and OPI.

Connie Erickson clarified that there were no plans for the Education Interim Committee to conduct funding studies. If the bill, in its current form, were to pass, the Education Interim Committee would address other study resolutions passed by the legislature.

Madalyn Quinlan elaborated on OPI's collaboration with **REP. MUSGROVE** when drafting HB 625. At the inception, OPI had been interested in involving the governor, the legislature, education community and OPI. She maintained it had not been the intention of OPI to conduct a study separate from the legislature.

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Ms. Quinlan voiced her concerns that the governor's office had not expressed interest during a public forum. **SEN. MCKENNEY** recommended the study as a three-step approach. Step one would be the governor's office with OPI, working together to compile a preliminary report. The report would be given to the Education Interim Committee in step two to adjust the report with ideas from public hearings. Step three would involve the combined efforts of the three entities in developing a bill for the next legislature. In this way, he surmised the legislature would become involved at step two.

SEN. ELLINGSTON reiterated concerns involving the reporting date. He advocated changing the date from April 1, 2001 to December 31, 2001. It was the consensus of the committee to agree with the change.

SEN. COBB suggested removing the "whereas" clauses from the bill. The committee agreed with the deletion of the "whereas" clauses.

The committee discussed **REP. MUSGROVE'S** concerns on holding public hearings to receive input on the report. **REP. MCKENNEY** felt the idea of holding hearings across the state would be a positive addition to the study.

CHAIRMAN GLASER contended stripping the **GROSFIELD** amendments would clean up the bill, since the "whereas" clauses were contained in that section. **REP. MCKENNEY** suggested eliminating the criteria based testing, land transfers and the "whereas" clauses.

SEN. ELLINGSON suggested adding the language, "and any other recommendations that the committee deems appropriate on the issue of school funding. These recommendations shall be given to the governor and the legislative session," on page 3, line 16. He also wanted the interim committee to have the authority to suggest legislation.

REP. MUSGROVE felt lines 11-14 on page 3 would hold the committee to conducting public hearings throughout the state in order to glean input from the voters. **Connie Erickson** contended the original \$10,000 appropriations had allowed for three two-day meetings around the state. The governor's office would be accountable for travel costs accumulated by its staff. She discussed other ways to disseminate the information.

SEN. COBB queried whether the \$10,000 would be used by the Legislative Services Division. **Connie Erickson** instructed the committee that there was an item in the legislative services

budget for interim committees. Each interim committee would be allocated a certain amount of money.

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Ms. Erickson went over the suggested changes with the committee and assured the members she would have the amendments prepared for the afternoon meeting.

CHAIRMAN GLASER recessed the hearing until 1:30 P.M.

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The meeting was reconvened by **CHAIRMAN BILL GLASER**, on April 18, 2001 at 1:30 P.M., in Room 405 Capitol.

Connie Erickson presented the committee a copy of the proposed amendments (HB062503.ace), **EXHIBIT(ccs87sb0625a02)** and a gray bill with additions and deletions, **EXHIBIT(ccs87sb0625a03)**.

A discussion centered around confusion with the language in reference to the conducting of hearings throughout the state.

Motion/Vote: REP. MCKENNY moved that HB 625 BE AMENDED TO CHANGE THE WORD "MAY" TO "SHALL" ON PAGE 2, LINE 19. Motion carried unanimously.

Motion/Vote: REP. MCKENNY moved that HB 625 BE AMENDED TO CHANGE THE WORD "MUST" TO "MAY" ON PAGE 2, LINE 19. Motion carried unanimously.

Motion/Vote: CHAIRMAN GLASER moved that HB 625 BE AMENDED TO STRIKE THE WORDS, "AS INTERPRETED BY THE MONTANA SUPREME COURT" ON PAGE 1, LINE 17. Motion carried unanimously.

REP. MUSGROVE suggested adding \$10,000 to the study or dividing the existing \$20,000 among the three separate entities involved in the study. **Jeff Hindoien**, reported the budget director would be comfortable with the cost within the existing budget.

Motion/Vote: REP. MUSGROVE moved that HB 625 BE AMENDED TO STRIKE "GOVERNOR'S OFFICE ON PAGE 4, LINE 28 AND INSERT "SUPERINTENDENT OF PUBLIC INSTRUCTION". Motion carried unanimously.

Madalyn Quinlan reported that the funding would be used to cover printing and publication costs during the study.

REP. MUSGROVE reiterated his concerns with the separation of powers, maintaining the Legislative Services should be responsible to the legislature and not subordinate to the governor. **Connie Erickson** interpreted the language on page 3, line 3, subsection (c) to mean that the governor could request assistance of the Legislative Services Division. She reminded **REP. MUSGROVE** of the 16 hour rule, which would require the permission of the legislative council to extend the time period.

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She maintained legislative services would provide assistance within the confines of their own duties within their own agencies. **Jeff Hindoein** responded that the governor would request information within the sixteen hour rule time frame.

Motion/Vote: SEN. ELLINGSON moved that HB 625 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

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ADJOURNMENT

Adjournment: 2:05 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (ccs87sb0625aad)